



**STATE OF NEVADA
COMMISSION ON ETHICS**

<http://ethics.state.nv.us>

**Wednesday, May 12, 2004 and
Thursday, May 13, 2004
commencing at 9:00 a.m. each day
State of Nevada Gaming Board Room
Grant Sawyer Building
555 E. Washington Avenue, Second Floor
Las Vegas, Nevada 89101**

MINUTES

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics.
A verbatim transcript of the open session proceedings, prepared by a certified court reporter,
is available for inspection at the Commission office.

Commission Members Present:

Rick Hsu, Esq., Chairman; Caren Jenkins, Esq., Vice Chairman;
Mark Hutchison, Esq.; Jim Kosinski, Esq.

Commission Members Absent due to their participation in the Panel Proceeding:
William Flangas; George Keele

Commission Member Absent:
Merle Berman

Commission on Ethics Staff Present:

Stacy M. Jennings, Executive Director; Nancy Lee Varnum, Commission Counsel;
Emily H. Nunez, Administrative Assistant

Parties Present:

Oscar Goodman, Mayor, City of Las Vegas

Witnesses: Ross Goodman; Scott Kapp; Mark Vincent; Elaine Sanchez; Larry Ruvo; Doug Selby; Carolyn Goodman; Stephanie Boixo

Others Present:

Media reporters and general public

Chairman Hsu called the meeting to order at 9:02 a.m., Wednesday, May 12, 2004.

Wednesday, May 12, 2004

Agenda Item 1 – Approval of the Minutes of the April 14, 2004 Commission Meeting

In open session, Commissioner Hutchison made a motion to approve the minutes of the April 14, 2004 Commission meeting. Vice Chairman Jenkins seconded the motion. The motion passed unanimously.

Agenda Item 2 – Request for Opinion 04-05

In open session, Chairman Hsu denied the motion to dismiss filed by the subject of Request for Opinion No. 04-05, Las Vegas Mayor Oscar B. Goodman. NAC 281.189 allows the Executive Director to investigate issues beyond allegations in the complaint regarding potential ethics violations or potential patterns of ethical violations as may be revealed during an investigation.

Mayor Goodman then proceeded with an opening statement.

Following the subject's opening statement, videotapes were viewed as follows:

- January 28, 2004 press conference held by Mayor Goodman;
- February 5, 2004 press conference held by Mayor Goodman;
- April 2, 2004 press conference held by Mayor Goodman;
- April 12, 2004 television interview featuring Mayor Goodman; and
- Bombay Sapphire gin party video news release.

At the conclusion of the video presentations, the Commission called witnesses to testify. Mr. Goodman was provided the opportunity to cross-examine each witness.

The first two witnesses were Ross Goodman, son of Mayor Oscar Goodman, followed by Scott Kapp, President of iMedia Corporation.

A recess was taken at 11:47 a.m.

The meeting reconvened at 12:35 p.m.

City of Las Vegas Director of Finance and Business Services Mark Vincent was called to testify, followed by former City of Las Vegas Public Information Officer Elaine Sanchez. Ms. Sanchez was accompanied by her legal counsel Bill Henry of the Las Vegas City Attorney's office.

A recess was taken at 2:15 p.m.

The meeting reconvened at 2:20 p.m.

Ms. Sanchez resumed testifying, followed by Larry Ruvo of Southern Wine and Spirits and Las Vegas City Manager Doug Selby.

A recess was taken at 4:24 p.m.

The meeting resumed at 4:39 p.m.

Mayor Goodman's wife, Carolyn Goodman, was called to testify regarding her association with the Meadows School, followed by Mayor Goodman's Chief of Staff, Stephanie Boixo.

The hearing recessed for the day at 5:57 p.m.

Thursday, May 13, 2004

Chairman Hsu reconvened the hearing at 9:02 a.m.

The next witness, City of Las Vegas Director of Communications David Riggleman, was called. He was accompanied by his legal counsel, Bill Henry of the Las Vegas City Attorney's Office. Mr. Goodman objected to Mr. Riggleman testifying, stating that the exclusionary rule would preclude Mr. Riggleman from testifying since he confirmed reading information from previous witness testimony. Mr. Henry stated that Mr. Riggleman was not in violation of the exclusionary rule, since the Executive Director had already released him from his subpoena prior to the time the information was read. Chairman Hsu overruled the objection and proceeded with questioning.

Las Vegas City Attorney, Brad Jerbic, was called as the final witness called for the Nevada Commission on Ethics.

Mr. Goodman called one witness, Las Vegas City Marshall Scott Barney.

The hearing recessed at 10:23 a.m. and reconvened at 10:33 A.M.

Mr. Goodman testified on his own behalf, followed by questioning from the Commission.

Mr. Goodman presented his closing statement.

The hearing recessed at 11:43 a.m. and reconvened at 12:35 p.m. for the Commission's deliberations regarding Request for Opinion No. 04-05.

With regard to the allegations concerning the Jane Magazine contest, Commissioner Jenkins moved that the Commission find no violation of NRS 281.481(7) or 281.553. The motion was seconded by Commissioner Hutchison, and was unanimously approved.

Regarding the allegations concerning the use of a Cadillac automobile, Commissioner Kosinski moved that the Commission find no violation of NRS 281.481(1). Commissioner Hutchison seconded the motion, which passed unanimously. Chairman Hsu made a motion that the Commission find no violation of NRS 281.481(2) regarding the allegation concerning the use of

the Cadillac. Commissioner Jenkins seconded the motion. The motion passed three to one (Commissioner Kosinski opposing).

Regarding the allegations concerning the endorsement of Bombay Sapphire gin, Commissioner Kosinski moved that the Commission find no violation of NRS 281.481(1), NRS 281.481(2), NRS 281.481(7), NRS 281.481(10) or NRS 281.553. Commissioner Hutchison seconded the motion. The motion was approved unanimously.

With regard to the allegations concerning the iPolitix cocktail party, Commissioner Jenkins made a motion that the Commission find that Mayor Goodman's conduct violated the provisions of NRS 281.481(2). The motion was seconded by Commissioner Kosinski. The motion was approved unanimously. Chairman Hsu made a motion that the Commission find that Mayor Goodman's conduct violated the provisions of NRS 281.481(7). The motion died for lack of a second. Commissioner Hutchison moved the Commission find no violation of NRS 281.481 (7). The motion was seconded by Commissioner Kosinski and passed three to one (Chairman Hsu opposed).

The Commission then deliberated whether the violation of NRS 281.481(2) was willful as defined in NRS 281.4375. Commissioner Hutchison moved that the Commission find that the violation of NRS 281.481(2) was not willful. The motion was seconded by Commissioner Kosinski. The motion failed on a two-two vote, with Commissioners Hsu and Jenkins voting no.

Commissioner Jenkins moved that the Commission find that Mayor Goodman willfully violated NRS 281.481(2). The motion was seconded by Chairman Hsu. The motion failed on a two-two vote, with Commissioners Hutchison and Kosinski voting no.

Chairman Hsu then clarified for the record that the Commission found that Mayor Goodman violated NRS 281.481(2), but the Commission failed to find by majority vote that the violation was "willful". Therefore, it was unnecessary for the Commission to consider the civil penalty provisions of NRS 281.551(1).

Agenda Item 3 – Open Session for Public Comment

No public comment was made.

Chairman Hsu adjourned the meeting at 2:20 p.m.

Minutes transcribed by:

Minutes approved July 14, 2004.

Emily H. Nunez
Administrative Assistant

Rick Hsu, Esq.
Chairman